

PATENT COOPERATION TREATY

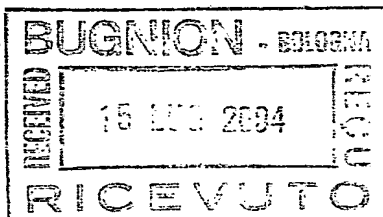
From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION
(PCT Rule 66)

To:

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Date of mailing
(day/month/year)

14.07.2004 14/07/04

Applicant's or agent's file reference
A3232.WO204

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCT/IB 03/05843

International filing date (day/month/year)
08.12.2003

Priority date (day/month/year)
20.12.2002

International Patent Classification (IPC) or both national classification and IPC
B65C9/06

Applicant
AZIONARIA COSTRUZIONI MACCHINE AUTOMATICHE...

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 20.04.2005

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/2, 2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

WRITTEN OPINIONInternational application No. **PCT/IB 03/05843**

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

• Novelty (N)	Claims	1,2,4,10,11
Inventive step (IS)	Claims	3,5-9
- Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

V.2.1 Reference is made to the following documents:

D1: DE 201 15 480 U (HEUFT SYSTEMTECHNIK GMBH) 16 May 2002 (2002-05-16)

D2: EP-A-1 197 468 (ROBINO & GALANDRINO SPA) 17 April 2002 (2002-04-17)

D3: DE 199 27 668 A (KRONES AG) 28 December 2000 (2000-12-28)

D4: FR-A-2 342 207 (KRONSEDER HERMANN) 23 September 1977 (1977-09-23)

V.2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,2,4,10 and 11 is not new in the sense of Article 33(2) PCT.

V.2.2.1 The document **D1** discloses (the references in parentheses applying to this document):

A labelling machine (figure 1) comprising a feed conveyor (22) rotatable about a vertical axis and equipped peripherally with a plurality of pedestals (24) supporting single containers; drive means associated respectively with the conveyor (22), by which the containers are directed along a predetermined conveying path, and with the single pedestals (24) in such a way that each pedestal can be driven in rotation about a respective vertical axis (step motor 32); applicator means (26) occupying positions along the predetermined conveying path; and means (18) by which to detect and control the angular position of the containers, wherein the detection and control means comprise at least one CCD image sensor (page 6, line 2) capable of detecting and recognizing predetermined outlines (12) presented by the containers.

V.2.2.2 In the same way, D1 also discloses the subject-matter of claims 2,4,10 and 11 (equivalent to claim 10); and D2 discloses the subject-matter of claims 1 and 2.

**WRITTEN OPINION
SEPARATE SHEET**

International application No. PCT/IB 03/05843

V.2.3 Furthermore, the subject-matter of claims 3 and 5 to 9 does not appear to involve an inventive step in the sense of Article 33(3) PCT in view of the disclosures of D3 and D4.
